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22 **UNITED STATES DISTRICT COURT**  
23 **NORTHERN DISTRICT OF CALIFORNIA**  
24 **SAN FRANCISCO DIVISION**

25 ALLAN J. NICOLOW, Individually and on Behalf  
26 of All Others Similarly Situated,

27 Plaintiff,

28 v.

HEWLETT-PACKARD COMPANY, LEO  
APOTHEKER, MARGARET C. WHITMAN,  
CATHERINE A. LESJAK, and JAMES T.  
MURRIN,

Defendants.

Civil No. 3:12-cv-05980-CRB

[PROPOSED] ORDER

DATE: March 1, 2013

TIME: 10:00 a.m.

JUDGE: Honorable Charles R. Breyer

CTRM: 6 – 17<sup>th</sup> Floor

PROPOSED ORDER

1  
2 DAVIN POKOIK, Individually and on Behalf of  
3 All Others Similarly Situated,

4 Plaintiff,

5 v.

6 HEWLETT-PACKARD COMPANY,  
7 AUTONOMY CORPORATION PLC,  
8 DELOITTE LLP, LEO APOTHEKER,  
9 MARGARET C. WHITMAN, CATHERINE A.  
LESJAK, JAMES T. MURRIN, MICHAEL R.  
LYNCH, and SUSHOVAN HUSSAIN,

10 Defendants.

Civil No. 3:12-cv-06074-CRB

11 PAUL NEUMANN, Individually and on Behalf of  
12 All Others Similarly Situated,

13 Plaintiff,

14 v.

15 HEWLETT-PACKARD COMPANY,  
16 MARGARET C. WHITMAN, LEO  
17 APOTHEKER, JAMES T. MURRIN,  
CATHERINE A. LESJAK, and MARK HURD,

18 Defendants.

Civil No. 5:13-cv-0284-EJD

19  
20 **WHEREAS**, the Court has considered the competing motions for Consolidation, Appointment  
21 of Lead Plaintiff and Approval of Lead Counsel,

22 **IT IS HEREBY ORDERED THAT:**

23 1. The Court hereby consolidates the actions captioned above for all purposes including,  
24 but not limited to, discovery, pretrial proceedings and trial proceedings, pursuant to Rule 42(a) of the  
25 Federal Rules of Civil Procedure under the following option:  
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PROPOSED ORDER

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Civil No. 3:12-cv-05980-CRB

-----X  
**IN RE HEWLETT-PACKARD COMPANY  
SECURITIES LITIGATION**  
-----X

2. A Master Docket and Master File are hereby established for this Action. The Master File shall be Civil Action No. 3:12-cv-05980-CRB. Entries in the Master Docket shall be applicable to this Action and any subsequently filed actions related hereto, as more fully set forth below.

3. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry in the docket for this action.

4. Each new case which arises out of the subject matter of this Action that is filed in this Court or transferred to this Court shall be consolidated with this action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant such application.

**APPOINTING LEAD PLAINTIFF AND  
APPROVAL OF SELECTION OF LEAD AND LIAISON COUNSEL**

5. Having reviewed all pending Motions and accompanying Memoranda of Law, the Court hereby appoints Peng Cheng Wang, Lloyd G. Smiley and Galen A. Etemad (collectively, the “HP Investor Group”) as Lead Plaintiff. Lead Plaintiff satisfies the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the PSLRA.

PROPOSED ORDER

1           6.     Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, has selected and  
2 retained the law firm of Pomerantz Grossman Hufford Dahlstrom & Gross LLP as Lead Counsel and  
3 The Wagner Firm as Liaison Counsel in this consolidated action, and the Court hereby approves these  
4 selections.

5           7.     Plaintiffs' Lead Counsel shall have the following responsibilities and duties, to be  
6 carried out either personally or through counsel whom Lead Counsel shall designate:  
7

- 8           (a)     to coordinate the briefing and argument of motions;
- 9           (b)     to coordinate the conduct of discovery proceedings;
- 10          (c)     to coordinate the examination of witnesses in depositions;
- 11          (d)     to coordinate the selection of counsel to act as a spokesperson at pretrial  
12 conferences;
- 13          (e)     to call meetings of the plaintiff's counsel as they deem necessary and appropriate  
14 from time to time;
- 15          (f)     to coordinate all settlements negotiations with counsel for defendants;
- 16          (g)     to coordinate and direct the pretrial discovery proceedings and the preparation for  
17 trial and the trial of this matter and to delegate work responsibilities to selected  
18 counsel as may be required; and
- 19          (h)     to supervise any other matters concerning the prosecution, resolution or  
20 settlement of the Consolidated Action.

21           8.     No motion, request for discovery, or other pretrial proceedings shall be initiated or filed  
22 by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or  
23 discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead  
24 Counsel.

25           9.     Counsel in any related action that is consolidated with this consolidated Action shall be  
26 bound by this organization of plaintiffs' counsel.  
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1           10.     Lead Counsel shall have the responsibility of receiving and disseminating Court orders  
2 and notices.

3           11.     Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel,  
4 as well as the spokesperson for plaintiffs' counsel, and shall direct and coordinate the activities of  
5 plaintiffs' counsel.

6           12.     Defendants shall effect service of papers on plaintiffs by serving a copy of same on Lead  
7 Counsel by overnight mail service, electronic or hand delivery. Plaintiffs shall effect service of papers  
8 on defendants by serving a copy of same on defendants' counsel by overnight mail service, electronic  
9 or hand delivery.  
10

11           13.     During the pendency of this litigation, or until further order of this Court, the parties  
12 shall take reasonable steps to preserve all documents within their possession, custody, or control,  
13 including computer-generated and stored information, and materials such as computerized data and  
14 electronic mail, containing information which is relevant or which may lead to the discovery of  
15 information relevant to the subject matter of the pending litigation.  
16

17           **SO ORDERED.**

18  
19 Dated: \_\_\_\_\_, 2013  
20

21 \_\_\_\_\_  
22 Honorable Charles R. Breyer  
23 United States District Judge  
24 Northern District of California  
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PROPOSED ORDER